

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

Rulemaking to Consider Updates to the)	Docket No. 14-OII-01
Energy Commission's Process and)	Order No.
Procedure Regulations, California)	
Code of Regulations Title 20)	November 17, 2014
_____)	

ORDER INSTITUTING RULEMAKING PROCEEDING

I. PURPOSE AND SCOPE OF THE PROCEEDING

This order of the California Energy Commission (Commission) institutes a rulemaking proceeding to consider updates to the Commission's process and procedure regulations, located in the 1000, 1100, 1200, and 1700 sections of Title 20 of the California Code of Regulations. The updates address issues raised by staff and stakeholders regarding the Commission's power plant licensing and compliance procedures and general process issues. The rulemaking proceeding is being conducted under the authority of Public Resources Code sections 25210, 25213, and 25218(e), and of Title 20, California Code of Regulations section 1222(a).

On December 1, 2010, the Commission adopted an Order Instituting an Informational Proceeding (OII), docket # 10-SIT-OII-1, on issues related to the process for licensing thermal power plant projects, particularly lessons learned from the review of solar projects funded by the American Recovery and Reinvestment Act of 2009 and natural gas projects considered by the Commission in 2009 and 2010. The OII stated that a two-member Energy Facility Siting Committee would solicit comments on the Commission's process and recommend an Order Instituting Rulemaking if needed to revise the Commission's regulations. The Commission took the following actions between 2010 and 2012:

- On December 2, 2010, the Commission distributed letters soliciting comments from stakeholders including project proponents and intervenors, environmental organizations,

local government officials, advocacy organizations, elected officials, and the general public. The letters included a questionnaire that asked stakeholders to identify their main siting policy or process issues of concern.

- On December 14, 2010, the Commission held an informational gathering workshop to discuss lessons learned from the Commission's review of solar and thermal power plant projects.
- On February 14, 2011, the Commission issued a Status Report that summarized written stakeholder comments, results from the survey, and comments received at the informational gathering workshop.
- On March 2, 2012, the Commission held a workshop to solicit input from federal, state, and local agencies on their CEQA review processes and coordination of environmental analysis.

In response to stakeholder comments, Commission staff performed a comprehensive review of the 1000, 1100, 1200, and 1700 sections of the Title 20 regulations and developed draft language that addresses the Commission's licensing procedures and general process issues. The proposed language makes a number of changes including the following:

- Clarifies the power of the Chair to manage proceedings
- Centralizes the role of the Docket Unit in document management
- Updates requirements for filed documents to reflect changes in technology
- Establishes a general rule for noticing public events
- Consolidates and clarifies rules applicable to adjudicative proceedings
- Creates a new service process
- Clarifies that motions are the method by which a person asks the Commission to take or refrain from taking an action
- Describes the rights of parties, hearing record content, and basis for decisions in adjudicative proceedings
- Clarifies the scope of informational hearings and requires earlier release of pre-hearing statements
- Makes other changes designed to streamline and clarify the Commission's internal procedures

On October 27, 2014, the Commission held a workshop to present the proposed language to the public and solicit discussion and comments.

II. PUBLIC PARTICIPATION

The Commission encourages public participation in this proceeding. Any person present at any workshop or hearing will have a reasonable opportunity to make oral comments on the subject matter. Petitions to intervene are not necessary.

The Executive Director, in conjunction with the Public Adviser, will ensure that this order and any notices of hearings and workshops are distributed to all interested persons and that drafts of the regulations are made available sufficiently in advance of workshops, interim hearings, and final adoption by the Commission to allow timely participation.

CERTIFICATION

The undersigned Secretariat to the Commission certifies that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the California Energy Commission held on November 17, 2014.

AYE:

NAY:

ABSENT:

ABSTAIN:

Harriet Kallemeyn
Secretariat
California Energy Commission